

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY AVERAGE WHOLESALE PRICE LITIGATION	MDL No. 1456 CIVIL ACTION: 01-CV-12257-PBS
THIS DOCUMENT RELATES TO THE AMENDED MASTER CONSOLIDATED CLASS ACTIONS	Honorable Patti B. Saris Chief Magistrate Judge Marianne B. Bowler

ORDER

And Now, this _____ day of September, 2005, upon consideration of the parties' Assented To Motion To Withdraw Without Prejudice Plaintiffs' Motion To Compel The Johnson & Johnson Group To Produce Documents And For An Extension Of Discovery [Docket No. 1650] and Johnson & Johnson And Ortho Biotech Products, L.P.'s Cross-Motion For Sanctions [Docket No. 1690], it is hereby ORDERED that:

1. The motion is GRANTED;
2. Plaintiffs' Motion To Compel The Johnson & Johnson Group To Produce Documents And For An Extension Of Discovery is withdrawn without prejudice.
3. Johnson & Johnson And Ortho Biotech Products, L.P.'s Cross-Motion For Sanctions is withdrawn without prejudice.

BY THE COURT:

Bowler, Magistrate Judge

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY
AVERAGE WHOLESALE PRICE
LITIGATION

MDL NO. 1456
Civil Action No. 01-12257-PBS

THIS DOCUMENT RELATES TO THE
AMENDED MASTER CONSOLIDATED
CLASS ACTION

Hon. Patti B. Saris
Chief Mag. Judge Marianne B. Bowler

**ASSENTED TO MOTION TO WITHDRAW WITHOUT PREJUDICE
PLAINTIFFS' MOTION TO COMPEL THE JOHNSON & JOHNSON
GROUP TO PRODUCE DOCUMENTS AND FOR AN EXTENSION
OF DISCOVERY [DOCKET NO. 1650], AND JOHNSON & JOHNSON AND ORTHO
BIOTECH PRODUCTS, L.P. CROSS-MOTION FOR SANCTIONS [DOCKET NO. 1690]**

The parties hereby move the Court as follows:

1. On August 16, 2005, Plaintiffs filed a Motion to Compel the Johnson & Johnson and Ortho Biotech Products, L.P. To Produce Documents And For an Extension of Discovery (the "Plaintiffs' Motion").

2. On August 31, 2005, Johnson & Johnson and Ortho Biotech Products, L.P. filed their response in opposition thereto and cross-motion for sanctions (the "Defendant's Cross-Motion").

3. On September 1, 2005, the Court issued a Notice of Hearing on Plaintiffs' Motion set for September 19, 2005 at 11:00 AM in Courtroom 25 before Magistrate Judge Marianne B. Bowler.

4. The Court granted the parties' Assented To Motion for Continuance of Hearing Date and for Plaintiff' Time To Respond to Defendants' Cross-Motion rescheduling the hearing date for Thursday, September 29, 2005 at 3:00 PM and the time for Plaintiffs to respond to Defendant's Cross-Motion until September 23, 2005.

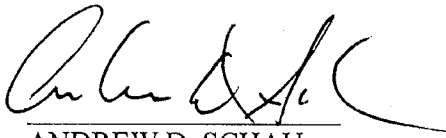
5. The parties have agreed upon terms to resolve their discovery disputes.

6. The parties move this Court to grant their assented to motion to withdraw, without prejudice, both: (i) Plaintiffs' Motion To Compel The Johnson & Johnson Group To Produce Documents And For An Extension Of Discovery [Docket No. 1650]; and (ii) Johnson & Johnson And Ortho Biotech Products, L.P. Cross-Motion For Sanctions [Docket No. 1690].

Dated: September 23, 2005

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CERTIFICATE OF SERVICE

I certify that on September 23, 2005, a true and correct copy of the foregoing Assented To Motion To Withdraw Without Prejudice Plaintiffs' Motion To Compel The Johnson & Johnson Group To Produce Documents And For An Extension Of Discovery [Docket No. 1650] and Johnson & Johnson And Ortho Biotech Products, L.P. Cross-Motion For Sanctions [Docket No. 1690] was served on all counsel of record by electronic service pursuant to Paragraph 11 of Case Management Order No. 2 by sending a copy to Verilaw Technologies for posting and notification to all parties.

/s/ Allan Hoffman
Allan Hoffman